

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-00793-CKK**

AMERICAN OVERSIGHT v. U.S. DEPARTMENT OF
HOUSING AND URBAN DEVELOPMENT
Assigned to: Judge Colleen Kollar-Kotelly
Cause: 05:552 Freedom of Information Act

Date Filed: 04/09/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**AMERICAN OVERSIGHT**

represented by **Daniel Alexander McGrath**
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LEAD ATTORNEY
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TERMINATED: 10/22/2019

V.

Defendant**U.S. DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT**

represented by **Paul Cirino**
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TERMINATED: 12/19/2018

| Date Filed | # | Docket Text |
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| 04/09/2018 | <u>1</u> | COMPLAINT against U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (Filing fee \$ 400 receipt number 0090-5410435) filed by AMERICAN OVERSIGHT. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons, # <u>3</u> |

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| | | Summons, # <u>4</u> Summons)(France, Elizabeth) (Entered: 04/09/2018) |
| 04/09/2018 | <u>2</u> | LCvR 7.1 CERTIFICATE OF DISCLOSURE of Corporate Affiliations and Financial Interests by AMERICAN OVERSIGHT (France, Elizabeth) (Entered: 04/09/2018) |
| 04/09/2018 | | Case Assigned to Judge Colleen Kollar-Kotelly. (jd) (Entered: 04/09/2018) |
| 04/09/2018 | <u>3</u> | SUMMONS (3) Issued Electronically as to U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, U.S. Attorney and U.S. Attorney General. (Attachment: # <u>1</u> Notice and Consent)(jd) (Entered: 04/09/2018) |
| 04/16/2018 | <u>4</u> | ORDER ESTABLISHING PROCEDURES FOR CASES ASSIGNED TO JUDGE COLLEEN KOLLAR-KOTELLY. Signed by Judge Colleen Kollar-Kotelly on 04/16/18. (DM) (Entered: 04/16/2018) |
| 04/17/2018 | <u>5</u> | RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 4/16/2018. (Answer due for ALL FEDERAL DEFENDANTS by 5/16/2018.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 4/16/2018., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT served on 4/13/2018 (Attachments: # <u>1</u> Exhibit A)(France, Elizabeth) (Entered: 04/17/2018) |
| 05/16/2018 | <u>6</u> | NOTICE of Appearance by Joshua M. Kolsky on behalf of U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (Kolsky, Joshua) (Entered: 05/16/2018) |
| 05/16/2018 | <u>7</u> | ANSWER to Complaint by U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.(Kolsky, Joshua) (Entered: 05/16/2018) |
| 05/16/2018 | <u>8</u> | ORDER. The parties shall file a Joint Status Report by no later than JUNE 6, 2018. Signed by Judge Colleen Kollar-Kotelly on 5/16/2018. (lcckk3) (Entered: 05/16/2018) |
| 05/16/2018 | | Set/Reset Deadlines: Joint Status Report due by 6/6/2018. (dot) (Entered: 05/17/2018) |
| 06/05/2018 | <u>9</u> | NOTICE of Appearance by Daniel Alexander McGrath on behalf of AMERICAN OVERSIGHT (McGrath, Daniel) (Entered: 06/05/2018) |
| 06/06/2018 | <u>10</u> | Joint STATUS REPORT by AMERICAN OVERSIGHT. (McGrath, Daniel) (Entered: 06/06/2018) |
| 06/06/2018 | | MINUTE ORDER. The Court is in receipt of the parties' <u>10</u> Joint Status Report. The parties represent that Defendant has initiated the process for searching for records responsive to Plaintiff's FOIA requests, but has not yet produced any records. The parties further represent that they will meet and confer after certain scheduled searches are run later this month. The parties are ORDERED to file a further Joint Status Report by no later than JULY 6, 2018, updating the Court on the status of Defendant's processing of Plaintiff's FOIA requests. Signed by Judge Colleen Kollar-Kotelly on 6/6/2018. (lcckk3) (Entered: 06/06/2018) |
| 06/06/2018 | | Set/Reset Deadlines: Joint Status Report due by 7/6/2018. (kt) (Entered: 06/06/2018) |
| 07/06/2018 | <u>11</u> | ENTERED IN ERROR.....Joint STATUS REPORT by AMERICAN OVERSIGHT. (McGrath, Daniel) Modified on 7/9/2018 (zjf). (Entered: 07/06/2018) |
| 07/06/2018 | <u>12</u> | Joint STATUS REPORT <i>corrected</i> by AMERICAN OVERSIGHT. (McGrath, Daniel) (Entered: 07/06/2018) |
| 07/09/2018 | | NOTICE OF CORRECTED DOCKET ENTRY: Document No. re <u>11</u> Status Report was entered in error and refiled by counsel. (See Docket Entry <u>12</u> to view document)(jf) (Entered: 07/09/2018) |
| 07/09/2018 | | MINUTE ORDER. The Court is in receipt of the parties' <u>12</u> Joint Status Report. The parties represent that Defendant has largely completed its search for certain records, and has scheduled other searches for later this month. The parties also represent that Defendant will provide an interim response to Plaintiff this week. The parties are meeting and conferring about ways to potentially narrow the scope of Defendant's searches. The parties are ORDERED to file a further Joint Status Report by no later than AUGUST 3, 2018, updating the Court on the status of Defendant's processing of |

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| | | Plaintiff's FOIA requests. Signed by Judge Colleen Kollar-Kotelly on 7/9/2018. (lcckk3) (Entered: 07/09/2018) |
| 07/09/2018 | | Set/Reset Deadlines: Joint Status Report due by 8/3/2018. (kt) (Entered: 07/09/2018) |
| 08/03/2018 | <u>13</u> | Joint STATUS REPORT by AMERICAN OVERSIGHT. (McGrath, Daniel) (Entered: 08/03/2018) |
| 08/07/2018 | | MINUTE ORDER. The Court is in receipt of the parties' <u>13</u> Joint Status Report. The parties represent that Defendant has largely completed its search for some records, and has scheduled other searches for next month. The parties are meeting and conferring about ways to potentially narrow the scope of Defendant's searches and about production schedules. The parties are ORDERED to file a further Joint Status Report by no later than SEPTEMBER 7, 2018, updating the Court on the status of Defendant's processing of Plaintiff's FOIA requests. Signed by Judge Colleen Kollar-Kotelly on 8/7/2018. (lcckk3) (Entered: 08/07/2018) |
| 08/07/2018 | | Set/Reset Deadlines: Joint Status Report due by 9/7/2018, updating the Court on the status of Defendant's processing of Plaintiff's FOIA requests. (dot) (Entered: 08/07/2018) |
| 09/07/2018 | <u>14</u> | Joint STATUS REPORT by U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (Kolsky, Joshua) (Entered: 09/07/2018) |
| 09/07/2018 | | MINUTE ORDER. The Court is in receipt of the parties' <u>14</u> Joint Status Report. The parties represent that Defendant has largely completed its search for some records and is continuing its search for other records. The parties have agreed to narrow the number of records potentially responsive to Plaintiff's broader search, and Plaintiff agrees to continue considering ways to further narrow the number of records. The parties have also agreed to a monthly production schedule of 300 records per month, with the first production occurring by September 21, 2018. The parties are ORDERED to file a further Joint Status Report by no later than OCTOBER 9, 2018, updating the Court on the status of Defendant's processing of Plaintiff's FOIA requests. The parties are further ORDERED to file additional Joint Status Reports every 30 days thereafter. The parties are also free to file Joint Status Reports between the filing deadlines if issues arise that require the Court's attention. Signed by Judge Colleen Kollar-Kotelly on 9/07/2018. (lcckk3) (Entered: 09/07/2018) |
| 09/07/2018 | | Set/Reset Deadlines: Joint Status Report due by 10/9/2018, updating the Court on the status of Defendant's processing of Plaintiff's FOIA requests. (dot) (Entered: 09/11/2018) |
| 10/09/2018 | <u>15</u> | Joint STATUS REPORT by U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (Kolsky, Joshua) (Entered: 10/09/2018) |
| 11/08/2018 | <u>16</u> | Joint STATUS REPORT by AMERICAN OVERSIGHT. (McGrath, Daniel) (Entered: 11/08/2018) |
| 12/10/2018 | <u>17</u> | Joint STATUS REPORT by AMERICAN OVERSIGHT. (McGrath, Daniel) (Entered: 12/10/2018) |
| 12/19/2018 | <u>18</u> | NOTICE OF SUBSTITUTION OF COUNSEL by Paul Cirino on behalf of U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT Substituting for attorney Joshua M. Kolsky (Cirino, Paul) (Entered: 12/19/2018) |
| 01/08/2019 | <u>19</u> | Unopposed MOTION to Stay <i>in Light of Lapse in Appropriations</i> by U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (Cirino, Paul) (Entered: 01/08/2019) |
| 01/09/2019 | | MINUTE ORDER. The Court is in receipt of Defendant's <u>19</u> Unopposed Motion to Stay Proceedings in Light of Lapse in Appropriations. The parties' Joint Status Report is due on January 9, 2019. As of December 21, 2018, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. Absent an appropriation, the Department is prohibited from working except in circumstances which do not apply to this case. Defendant requests a stay until after appropriations have been restored and an extension of the deadline for the submission of the Joint Status Report commensurate with the duration of the lapse in appropriations. Defendant reports that Plaintiff takes no position with respect to tolling |

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| | | deadlines but opposes a general stay. As Defendant cannot work on this case during the lapse in appropriations, the Court GRANTS Defendant's motion and ORDERS the case STAYED. Defendant is ORDERED to file a Status Report within five days of the restoration of appropriations notifying the Court and the Plaintiff and requesting an appropriate deadline for submitting the Joint Status Report. Signed by Judge Colleen Kollar-Kotelly on 1-9-2019. (lcckk3) (Entered: 01/09/2019) |
| 01/29/2019 | <u>20</u> | NOTICE of Restored Government Funding and Proposed Schedule by U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (Cirino, Paul) (Entered: 01/29/2019) |
| 01/31/2019 | | MINUTE ORDER. On January 9, 2019, the Court stayed this case due to a lapse in appropriations. As appropriations have now been restored, the Court ORDERS that the stay be lifted. The parties are ORDERED to file a Joint Status Report by no later than FEBRUARY 11, 2019, updating the Court on the status of Defendant's processing of Plaintiff's FOIA requests. The parties are further ORDERED to file additional Joint Status Reports every 30 days thereafter. The parties are also free to file Joint Status Reports between the filing deadlines if issues arise that require the Court's attention. Signed by Judge Colleen Kollar-Kotelly on 1/31/2019. (lcckk3) (Entered: 01/31/2019) |
| 01/31/2019 | | Set/Reset Deadlines: Status Report due by 2/11/2019, updating the Court on the status of Defendant's processing of Plaintiff's FOIA requests. (dot) (Entered: 02/01/2019) |
| 02/11/2019 | <u>21</u> | Joint STATUS REPORT by U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (Cirino, Paul) (Entered: 02/11/2019) |
| 03/13/2019 | <u>22</u> | Joint STATUS REPORT by U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (Cirino, Paul) (Entered: 03/13/2019) |
| 04/17/2019 | <u>23</u> | Joint STATUS REPORT by U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (Cirino, Paul) (Entered: 04/17/2019) |
| 05/17/2019 | <u>24</u> | Joint STATUS REPORT by U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (Cirino, Paul) (Entered: 05/17/2019) |
| 06/24/2019 | <u>25</u> | Joint STATUS REPORT by U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (Cirino, Paul) (Entered: 06/24/2019) |
| 08/09/2019 | <u>26</u> | Joint STATUS REPORT by U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (Cirino, Paul) (Entered: 08/09/2019) |
| 09/09/2019 | <u>27</u> | Joint STATUS REPORT by U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (Cirino, Paul) (Entered: 09/09/2019) |
| 10/09/2019 | <u>28</u> | Joint STATUS REPORT by U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT. (Cirino, Paul) (Entered: 10/09/2019) |
| 10/22/2019 | <u>29</u> | NOTICE OF WITHDRAWAL OF APPEARANCE as to AMERICAN OVERSIGHT. Attorney Elizabeth France terminated. (France, Elizabeth) (Entered: 10/22/2019) |